

Village of Sister Bay Code of Ordinances

Utilities Code

Chapter 62

of the

Municipal Code

of the

Village of

Sister Bay, Wisconsin

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Village of Sister Bay Utilities Code

Chapter 62

Utility Code

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Section 62.1 General Intent.

Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.1 General Intent.

The general intent of this chapter is to establish rules for the village sewer system, water system, and the operation of private wells.

Section 62.2-4 Reserved.

Section 62.5 Sewer and Water System Requirements; Management Operation and Control.

(a) Generally. The management operation and control of the sewer and water systems of the village are vested in the Village Board. All records, minutes, financial records and all written proceedings of the Village Board shall be kept by the administrator. The sewer and water systems are further regulated by the state department of natural resources. The water system is a separate utility established according to the state public service commission and is by that subject to the rules and established rate file of the commission. A copy of the current rate file is available at the administrator's office and the Sewer and Water Utility Office. Besides the rules established by this chapter, all applicable county, state and federal rules shall be followed as they pertain to the sewer and water systems.

(b) Construction. The board has the power to construct sewer and water lines for public use and has the power to lay sewer and water pipes in and through the alleys, streets and public grounds of the village; and generally, to do all such work as may be found necessary or convenient in the management of the sewer and water systems. The board has power by itself, its officers, agents and servants to enter upon any land for making examination or supervise in the performance of its duties under this chapter without liability therefore; and the board has power to purchase and acquire for the village all real and personal property that may be necessary for construction of the sewer and water systems or for any repair, remodeling or additions thereto.

(c) Maintenance of services. The owner shall maintain sewer and water services from the street main to the house including all controls between the street main and the house, without expense to the village, unless they are damaged by the village. All claims for damage by the village must be made by the owner to the village according to applicable law. All sewer and water services must be maintained free of defective conditions by and at the expense of the owner or occupant of the property. When any sewer and water services are to be re-laid and there are two or more buildings on such service, each building shall be disconnected from such service and new sewer and water services shall be installed for each building.

(d) Condemnation of real estate. Whenever any real estate or any easement therein, or use of it, shall in the judgment of the board be necessary to the sewer and water systems, and whenever, for any cause, an agreement for the purchase of it cannot be made with the owner, the board may proceed with all necessary steps to take such real estate, easement or use, by condemnation according to statute and the Uniform Relocation and Real Property Acquisition Policy Act of 1970, if Federal Funds are used.

(e) Title to real estate and personalty. All property, real, personal and mixed, acquired for the construction of the sewer and water systems, and all plans, specifications, diagrams, papers, books and records connected with such sewer system, and all buildings, machinery and fixtures pertaining thereto, shall be the property of the village.

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Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.6 Sewer and Water User Rules and Regulations.

(Sections 62.6(a)-(d) amended Ordinance No. 152-060909)

(a) Purpose. The Village of Sister Bay is committed to providing clean drinking water to all of its residents in particular to the customers of the Village's Water Utility. The Village Board finds and determines that improperly constructed, unused or improperly abandoned private wells are a known pathway for the entrance of contaminants into groundwater aquifers, which aquifers also supply the municipal water system. It is further determined that cross connecting of private wells and municipal water sources may lead to contamination. Contamination of the Village's water supply would severely and adversely affect the health, safety and general welfare of Village residents, particularly since contamination once introduced is extremely difficult to correct. Therefore, it is necessary and in the public interest that all wells within the corporate limits of the Village, whether existing or hereafter installed, shall be effectively monitored and regulated in regard to their creation, operation and abandonment as set forth in this section.

The rules and regulations of the Village concerning sewer and water users in this chapter shall be considered a part of the contract with every person, company or corporation who is connected to or uses the Village sewer and water systems, and every person, company or corporation by connecting with the sewer system or wastewater treatment facility shall be considered as expressing his/her or their assent to be bound. In addition, these rules and regulations of the Village in this chapter shall apply to all properties, persons, companies or corporations who use wells, septic systems and holding tanks in the Village not currently receiving service from the Village.

The Village Board reserves the right to change the rules and regulations from time to time, as it may deem advisable; and to make special rates and contracts in all proper cases. Persons connected to the sewer and water systems of the Village are referred to in this chapter as "users." This chapter ordains that the failure to connect to the sewer and water system is contrary to the minimum health standards of the Village and fails to ensure preservation of public health, comfort and safety of Village residents.

(b) Plumbers. No plumber, pipe fitter or other person will be permitted to do any plumbing or pipefitting work related to the sewer or water system without first receiving a license from the State. All service connections to the sewer main or water main shall comply with the State plumbing code. The Village herein adopts by reference Chapter COMM. 82,

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Wisconsin Administrative Code, of the State Plumbing Code. This section does not supersede the State Plumbing Code and Chapter 14 of this Municipal Code, but is supplementary to them.

63 (c)

Mandatory hookup.

(1) The owner of each parcel adjacent to sewer and water mains on which there exists a building usable for human occupation, or in a block through which utility systems extend, shall connect to the systems. Once the new system is placed in service, the property owner will receive a written notice that they must connect within 180 days from that notice. Once 180 days have lapsed and the property has not connected to the system, the Village may provide a second written notice that the Village is commencing the process to undertake the work and will bill the property owner for the costs including all administrative and staff expenses. Costs not paid within 30 days shall be assessed as a special tax lien against the property. The owner may within 30 days after the completion of the work file a written option with the Utility Manager stating that he/she cannot pay the amount in one sum and ask that it be levied in no more than five equal annual installments and that the amount shall be so collected with interest at prime rate plus 7 percent maximum per annum from the completion of the work, the unpaid balance being a special tax lien, all pursuant to Wisconsin Statutes § 281.45.

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(2) Instead of the provisions of subsection (c)(1) of this section, the Village at its option may impose a penalty for the period that the violation continues, after ten days written notice to any owner failing to make a connection to the sewer and water systems, of an amount equal to four times the minimum quarterly charge for the sewer, fire protection and water service payable quarterly for the period in which the failure to connect continues, and, upon failure to make the payment, a charge shall be assessed as a special tax lien against the property, all pursuant to Wisconsin Statutes § 281.45.

107 (d)

Private Wells in General. To prevent unused, unsafe and/or improperly constructed wells from serving as a passage for contaminated surface or near surface waters or other materials to reach the usable groundwater, these wells must be properly maintained or filled and sealed. Section NR 811.10, Wisconsin Administrative Code, provides that a municipal water system shall require abandonment of all unused, unsafe or non-complying private wells located on premises served by the

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Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.6 Sewer and Water User Rules and Regulations.

- 1 water system. All properties within the Village lim- 58
2 its shall be governed by this section. All property 59
3 owners must obtain a well permit as specified be- 60
4 low in order to operate or utilize a well. 61
5 (1) Private Well Abandonment Requirements. 62
6 a. Any private well which is unused, 63
7 unsafe or non-complying and which 64
8 serves any premises required to be 65
9 connected to a water main under 66
10 Section 62.2 of this Chapter shall be 67
11 permanently abandoned within six 68
12 months after connection of the 69
13 premises to the water system, unless 70
14 a well operation permit has been 71
15 obtained by the well owner pursuant 72
16 to subsection (2) below. Abandon- 73
17 ment shall be conducted by filling 74
18 and sealing in accordance with the 75
19 provisions of Chapter NR 812 Wis- 76
20 consin Administrative Code. It shall 77
21 be the responsibility of the land- 78
22 owner of any real property upon 79
23 which a well is located to see to it 80
24 that all wells located on the owner's 81
25 property have been properly aban- 82
26 doned in accordance with the pro- 83
27 cedures of Wisconsin Administra- 84
28 tive Code NR Chapter 812, regard- 85
29 less of whether the owner has used 86
30 the well. Upon discovery of any un- 87
31 used or previously abandoned well, 88
32 the owner shall notify the Village 89
33 and comply, insofar as is practica- 90
34 ble, with the procedures of this sec- 91
35 tion. In the case of a previously 92
36 abandoned well, if the owner can 93
37 produce proof of compliance with 94
38 state well abandonment require- 95
39 ments to the satisfaction of the Vil- 96
40 lage, compliance with this section 97
41 may be deemed satisfied. The de- 98
42 termination shall be at the discretion 99
43 of the Utility Manager upon consid- 100
44 ering the present and future possi- 101
45 bility of ground water contamina- 102
46 tion at the well site. 103
47 b. The owner of the well or the own- 104
48 er's agent who will conduct the 105
49 abandonment shall notify the Vil- 106
50 lage at least two business days prior 107
51 to commencement of any well 108
52 abandonment activities so that the 109
53 Village may observe the abandon- 110
54 ment. 111
55 c. Wells must be abandoned by li- 112
56 censed well drillers and or pump in- 113
57 stallers. 114
115
- d. Wells to be abandoned shall be filled according to the procedures outlined in Wisconsin Administrative Code NR Chapter 812. The pump and piping must be removed and the well checked for obstructions before plugging. Any obstruction or liner must be removed. A well abandonment report must be submitted by the well owner to the State Department of Natural Resources on forms provided by that agency and a copy provided to the Village. The report shall be submitted immediately upon completion of the filling of the well.
- (2) Permit for wells for outdoor or agricultural watering for properties served by Village Utilities.
- a. Any owner of a private well which is required to be permanently abandoned pursuant to subsection (1)(a) above shall apply to the Village for permission to maintain the well in good operating condition for the sole purpose of providing water for filling swimming pools, lawn or garden watering or other similar agricultural purpose, provided that the well continues to pass all tests required for private wells and the owner shall agree to pay the cost of abandonment when the well shall be permanently abandoned.
- b. Every owner of a private well which was in existence on January 1, 1990, that serves premises also served by the municipal water system and who wants to continue to use the well shall obtain a permit for the use of the well from the Village within 90 days from the effective date of this section § 62.6(d)(2) determined to be May 14, 1991. Drilling new private wells that will be used under the circumstances described in this subsection may not commence until a permit for the excavation of the private well has been granted in accordance with the terms of this section.
- c. Applications for a permit for the excavation or use of a private well under this section shall be made in writing by the owner or owners of the well to the Village on forms provided by the Village. A \$50 processing fee shall accompany any

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Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.6 Sewer and Water User Rules and Regulations.

1	private well excavation or renewal	59	(3)	<u>Permit for existing wells for properties not</u>
2	permit application. A permit shall	60		<u>served by Village Utilities.</u>
3	be granted to a well owner to oper-	61	a.	Every owner of a private well,
4	ate a well for a period not to exceed	62		which was in existence on June 1,
5	five years if the requirements of this	63		2009, in the Village that serves their
6	subsection are met. Failure to obtain	64		property, shall obtain a permit for
7	an initial or renewal permit will re-	65		the use of the well from the Village
8	sult in a late permit fee of \$100 plus	66		within 90 days from the effective
9	the penalties in section (6). Permit	67		date of this section.
10	applications shall be made and		b.	A section (3)(a) well permit will be
11	submitted on forms provided by the	68		for a period of five years upon issu-
12	Village. Permits and permit renew-	69		ance. The initial permit shall cost
13	als will be granted under this sec-	70		\$50. The subsequent renewal permit
14	tion only for wells and pump instal-	71		processing fee shall be \$50. Failure
15	lations where:	72		to obtain an initial or renewal per-
16	(1) No physical connection shall	73		mit will result in a late permit fee of
17	exist between the piping of	74		\$100 plus the penalties in section
18	the public water system and	75		(6). Permit applications shall be
19	the private well.	76		made and submitted on forms pro-
20	(e) (2) Bacteriologi-	77		vided by the Village.
21	cally safe water is evidenced	78		
22	by at least one sample.	79	(3)	<u>The well owner or operator shall</u>
23	(4) The well and pump	80		<u>every five years, on a schedule es-</u>
24	installation shall meet the	81		<u>established by the Village, provide the</u>
25	requirements of Wisconsin	82		<u>Village with written evidence that</u>
26	Administrative Code NR	83		<u>the well produces bacteriologically</u>
27	Chapter 812 in effect at the	84		<u>safe water as evidenced by one safe</u>
28	time of the well construction	85		<u>water sample. The report shall be</u>
29	and pump installation. A	86		<u>submitted during the period June 1</u>
30	well constructor's report	87		<u>— September 1 of each year. If the</u>
31	shall be on file with the	88		<u>well does not meet the safe water</u>
32	State Department of Natural	89		<u>requirements or is unsafe the owner</u>
33	Resources or Certification	90		<u>must either repair or replace the</u>
34	of the Acceptability of the	91		<u>well. However, prior to undertaking</u>
35	well shall have been granted	92		<u>any repairs or replacement of the</u>
36	by the private water supply	93		<u>well the property owner must meet</u>
37	section of the State Depart-	94		<u>with the Utility Manager to deter-</u>
38	ment of Natural Resources.	95		<u>mine if the proposed repairs or re-</u>
39	The well and pump system	96		<u>placement would solve the contam-</u>
40	shall be evaluated by a li-	97		<u>ination problem or if some other</u>
41	censed well driller or pump	98		<u>course of action is more practical.</u>
42	installer and certified to	99		<u>In lieu of repairing or replacing the</u>
43	comply with ch. NR 812 sub	100		<u>well, the property owner may re-</u>
44	ch.IV, every 10 years after-	101		<u>quest the Village extend municipal</u>
45	ward. Written documenta-	102		<u>water to serve that property.</u>
46	tion of the well and pump	103	(4)	<u>Permit for new wells for properties not</u>
47	inspection indicating com-	104		<u>served by Village Utilities.</u>
48	pliance with DNR Wis.	105	a.	After January 1, 2009, the drilling
49	Adm. Code Ch. NR 812 re-	106		of new private wells that will be
50	quirements using standard-	107		used under the circumstances de-
51	ized forms provided by the	108		scribed in this section may not
52	DNR.	109		commence until a permit for the ex-
53	(5) The proposed use of the well	110		cavation of the private well has
54	can be justified as necessary	111		been granted in accordance with the
55	in addition to water provid-	112		terms of this section.
56	ed by the public water sys-	113	b.	A section (4)(a) well permit will be
57	tem.	114		for a period of five years upon issu-
58		115		ance and the initial permit shall cost

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1		\$50. Failure to obtain a permit will	59		
2		result in a late permit fee of \$100	60		
3		plus the penalties in section (6).	61		
4		Permit applications shall be made	62		
5		and submitted on forms provided by	63		
6		the Village.	64		
7			65	c.	The Village shall have the right to
8	c.	The well owner or operator shall	66		sample the water after completion
9		every five years, on a schedule es-	67		of any repairs or modifications. The
10		established by the Village, provide the	68		sampling shall be at the owner's
11		Village with written evidence that	69		cost and may either be done by the
12		the well produces bacteriologically	70		Village or by the owner at the Vil-
13		safe water as evidenced by one safe	71		lage's direction.
14		water samples. The report shall be	72		
15		submitted during the period June 1	73		
16		— September 1 of each year. If the	74		
17		well does not meet the safe water	75		
18		requirements or is unsafe the owner	76		
19		must either repair or replace the	77	d.	The Village shall have the right to
20		well. However, prior to undertaking	78		randomly test or to direct the owner
21		any repairs or replacement of the	79		to test the well not more than two
22		well the property owner must meet	80		times in any six-month period. The
23		with the Utility Manager to deter-	81		Village may require additional test-
24		mine if the proposed repairs or re-	82		ing if there is reason to believe
25		placement would solve the contam-	83		some contamination may be present
26		ination problem or if some other	84		or that the results of previous tests
27		course of action is more practical.	85		may be invalid. The Village at its
28		In lieu of repairing or replacing the	86		option may require testing for con-
29		well, the property owner may re-	87		taminates to include microbiologi-
30		quest the Village extend municipal	88		cal, radioactive, inorganic, synthetic
31		water to serve that property.	89		organic, pesticides, herbicides and
32	(5)	<u>Additional conditions of well permit.</u> The	90		volatile organic substances. The
33		right to construct, install and maintain a	91		Utility Manager shall report the re-
34		well as authorized by permit under this sec-	92		sults of testing and the resulting re-
35		tion shall be expressly conditioned upon	93		medial action to the DNR on an an-
36		the owners and successors in interest com-	94		nual basis. If the test results suggest
37		plying with the following:	95	e.	that a severe or area wide problem
38	a.	The owner shall permit the Village	96		exists the Utility Manager shall no-
39		access to the well for inspection and	97		tify the DNR immediately.
40		testing at any time during normal	98		
41		working hours. If entry is refused,	99		
42		the well permit is revoked and the	100		
43		owner shall proceed with abandon-	101		
44		ment as specified above. On re-	102		
45		quest, the owner, lessee or occupant	103		
46		of any property so served shall fur-	104		
47		nish to the inspector any pertinent	105		
48		information regarding the piping			
49		system on the property.			
50	b.	No repair or modification of any	106		
51		well may be performed unless done	107		
52		by a properly licensed individual.	108		
53		At least one business day notice to	109		
54		the Village prior to undertaking the	110		
55		repairs is required so the work may	111		
56		be inspected. Any and all plumbing	112		
57		code permits as required shall also	113		
58		be obtained prior to undertaking any	114		
		work.	115		
				f.	A permit issued in accordance with
					the provisions of this section shall
					be revoked by the Utility Manager
					upon notice to the permittee that
					any of the following have occurred:
				1.	The owner of the well has
					refused access to a well for
					testing or has failed to fol-
					low a direction of order of
					the Village in regard to test-
					ing or sampling.
				2.	The owner of any well has
					neglected to pay for any
					tests authorized with 30
					days of billing or invoice.
				3.	Any test results demonstrate
					well contamination and do
					not meet reasonable health
					standards or are in violation
					of any state or municipal or-
					dinance dealing with well
					operation.
				4.	The parties aggrieved by
					permit revocation may ap-
					peal the initial decision of

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Section 62.6 Sewer and Water User Rules and Regulations.

Section 62.6 Sewer and Water User Rules and Regulations.

- the Utility Manager to the Village Board by filing a written petition for review with the Village clerk-treasurer.
- (e) Private wastewater systems prohibited. The maintenance and use of septic tanks and other private sewage disposal systems within the area the village services by its sewer system are declared a public nuisance and a health hazard. The use of septic tanks or any private sewage disposal system within the area of the village serviced by the sewerage system is prohibited.
- (f) Application for initial sewer and water service. Every person connecting with the sewer and water systems initially shall file an application in writing to the Utility Manager in such form as is prescribed for that purpose. Blanks for such application will be furnished at the office of the administrator and the Sewer and Water Utility Office. The application must state fully and truly all the uses the applicant intends to make of the sewer and water systems. If the applicant is not the owner of the premises, the written consent of the owner must accompany the application. If it appears that the service applied for will not provide adequate service for the contemplated use, the board may reject the application. If the board approves the application, it shall issue a permit for services as shown on the application.
- (g) Septage disposal. Between August 1 and September 1 of each year, every licensed disposer wishing to discharge septage to the village's wastewater treatment works shall file a nonrefundable filing fee and an application in writing to the board in such a form as is prescribed for that purpose. During the months of July and August, forms for such application will be furnished at the office of the Utility Manager. The application must state fully and truly the type, frequency, quantity, quality and location of generated septage to be disposed at the village's wastewater treatment works. During September, the board will evaluate the applications and determine the amount and conditions of septage disposal at the village's wastewater treatment facility. The board shall approve or reject all applications by October 1 of each year. If the board cannot accept the proposed septage disposal, then consideration shall be given first to those generators of septage that are within the septage service area. The septage service area includes the Town of Liberty Grove, the village and the Liberty Grove Sanitary District No. 1. All village approvals for septage disposal shall have the condition that any time the wastewater treatment works has operational problems, maintenance problems or the threat of WPDES permit violations that are indirectly or directly related to septage disposal, the village may immediately restrict septage disposal outside the septage service area until corrective action or mitigative measures have been taken. Septage shall be discharged only at the village wastewater treatment plant and only by village approved and state licensed disposers and at locations, times and conditions as specified by the board.
- (h) User to keep in repair. All users shall keep their own sewer service pipes in good repair and protected from frost, at their own risk and expense, and shall prevent any unnecessary overburdening of the sewer system. The service pipe shall be defined to be the building drain and building sewer pipe extending from the interior drain of the building to the sanitary sewer main.
- (i) Backflow preventor. All floor drains shall have a backflow prevention valve installed at the owner's expense.
- (j) User use only. No user shall allow others or other services to connect to the sewer or water system through his lateral.
- (k) Vacating of premises and discontinuance of service. Whenever premises served by the system are to be vacated, or whenever any person wants to end service from the system, the Utility Manager must be notified in writing. Upon such notification, the village will cause an inspection to be made of the system. If any damages are discovered having occurred to the system, other than through the fault of the system itself, or village employees, representatives or agents, the owner of the premises shall be liable for such damages.
- (l) User to permit inspection. Every user shall allow the board or its duly authorized agent, at all reasonable hours of the day, to enter their premises or building to examine the pipes and fixtures and the manner in which the drains and sewer connections operate.
- (m) Damage and repairs. No claim shall be made against the village or acting representative due to the breaking, clogging, stoppage or freezing of any service pipes; nor from any damage arising from repairing mains, making connections or extensions or any other work that may be deemed necessary. The right is here reserved to cut off the service any time for repairs or any other necessary purpose, any permit granted or regulations to the contrary notwithstanding. Whenever it shall become necessary to shut off the sewer or water service within any area of the village, the Utility Manager shall, if practicable, give notice to every consumer within the village, of the time when such service will shut off.
- (n) Water cross connection control.

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- (1) No person shall establish or permit to be established or maintain or permit to be maintained any cross connection. A cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the village water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases or chemicals so there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems. No interconnection shall be established so potable water from a private, auxiliary or emergency water supply other than the regular water supply of the village may enter the supply or distribution system of the village, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the village and by the state department of natural resources.
- (2) It is the duty of the village to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and reinspections based on potential health hazards involved shall be as established by the board and as approved by the state department of natural resources.
- (3) Upon presentation of credentials, a representative of the village shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the village for cross connections. If entry is refused, such representative may obtain a special inspection warrant under Wis. Stats. § 66.0119. On request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping systems on such property.
- (4) The village shall cease water service to any property in which any connection violating this chapter exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the water system. Water service shall be ceased only after reasonable notice and opportunity for hearing under Wis. Stats. Chapter 68, except as provided here. Water service to such property shall not be restored until the cross connection has been eliminated in compliance with the provisions of this chapter.
- (5) If it is determined by the village that a cross connection or an emergency endangers public health, safety or welfare and requires immediate action, and a written finding to that effect is filed with the Utility Manager and delivered to the customer's premises, service may be immediately ceased. The customer shall have an opportunity for a hearing under Wis. Stats. Chapter 68 within ten days of emergency discontinuance.
- (o) Prohibitions against discharge to sewer. No person shall discharge or cause to be discharged any of the following described liquids or solid wastes to any sanitary sewer or to the wastewater treatment facility:
- (1) Any stormwater, surface water, groundwater, roof run off, sump pump, surface drainage, or any other connections from inflow sources to the sanitary sewer. Such waters may be discharged to a storm sewer or other waterway with written permission of the village.
- (2) Any gasoline, benzene, naphtha, fuel oil, lubricating oil or other flammable or explosive liquid, solid or gas or other substances that by themselves or by interaction with other substances may cause fire or explosion hazards, or in any other way harmful to persons, property or the operation of the wastewater facilities.
- (3) Any waters or wastes containing toxic or poisonous substances in sufficient quantity, either singly or by interaction with other wastes, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a public nuisance in the receiving waters of the wastewater treatment plant or interference with the disposal of sludge.
- (4) Any waters or wastes having a pH lower than five or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel or the wastewater facility.
- (5) Any waters or wastes having a pH more than ten.
- (6) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, cinders, sand, rocks, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (7) Any discharge into the sanitary sewerage system that is violating the requirements of the WPDES permit and the modifications of it.
- (8) Wastewater having a temperature higher than 150 degrees Fahrenheit or cause the wastewater at the treatment facility to exceed 104 degrees Fahrenheit.
- (9) Any waters or wastes which may contain more than 100 parts per million by weight of oils, fat or grease.

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(10) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments or similar places where garbage originates from the preparation of food in kitchens for consumption on the premises or when served by caterers.

(11) Any waters or wastes containing iron, chromium, copper, zinc, mercury and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the treatment facility exceeds the limits established by the village for such materials.

(12) Any waters or wastes containing odor-producing substances exceeding limits that may be established by the village.

(13) Any radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the village complying with applicable state or federal regulations.

(14) Quantities of flow, concentrations or both that form a slug load as defined in this chapter.

(15) Incompatible pollutants containing substances that are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(16) Any waters or wastes that, by interaction with other waters or wastes in the public sewer system, release obnoxious gases, form suspended solids that interfere with the collection system or create a condition deleterious to structures and treatment processes.

(17) Materials, which exert or cause:

a. Unusually high BOD5, chemical oxygen demand or chlorine requirements, such as, but not limited to, whey in such quantities as to form a significant load on the wastewater treatment facility.

b. Unusual flow or concentrated wastes forming a slug load as defined in this chapter.

c. Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium sulfate).

d. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(p) Special wastewater agreements. No statement contained in this chapter shall be construed as prohib-

iting any special agreement between the village and any person by which an industrial waste of unusual strength or character may be admitted to the wastewater treatment facility, either before or after pretreatment, if there is no impairment of the functioning of the wastewater treatment facility due to the admission of the wastes and no extra costs are incurred by the village without recompense by the person, if all rates and provisions set forth in this chapter are complied with.

(q) Wastewater permit required. It shall be unlawful to discharge to any natural waterway within the village or in any area under the jurisdiction of the village any sewage or other polluted waters without first obtaining a WPDES permit.

(r) Abandoned water connection. Whenever any connection to the Water System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must remove any pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Water Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Water Utility may authorize this work done and billed back to the property owner or placed on the tax roll as a special assessment or fee.

(s) Abandoned sewer connection. Whenever any connection to the Wastewater Collection System is abandoned because the building to which the connection is made has been abandoned, destroyed or removed, the property owner must expose the line at the property line, disconnect and permanently cap the pipe or connections in the public right of way or easement and cap, plug or otherwise seal the pipe or main as approved by the Utility Manager. The property owner must notify the Utility Manager at least three (3) business days in advance of the intent to abandon a lateral. The lateral abandonment must be inspected by the Sewer Utility during normal working hours before burial takes place. If proper abandonment is not performed, the Sewer Utility may authorize this work done and billed back to the property owner.

Section 62.7 Sewer Connection Fees.

(a) Sewer connection fees. All new users to the sewer system are required to buy into the system wide improvements through an initial connection charge. The initial connection charge will be levied against each user connected to the sanitary sewer. The single-family residence connection charge will be on file in the village payable before connection to the sewer. Initial connection charge for multiple-family, commercial or industrial buildings will be

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based on a multiple of the single-family connection charge or residential equivalent user (REU). The initial connection charge for restaurants, small commercial or industrial connections will be based on a multiple of the volume of water usage and strength of wastewater in comparison to a typical single-family residence residential equivalent user having the following standards:

REU Standards

Volume	225 gallons per day
BOD (Biochemical Oxygen Demand)	0.51 pounds per day
SS (Suspended Solids)	0.60 pounds per day
Phosphorus	0.03 pounds per day

(b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all properties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the work and to set up the account for billing purposes.

Section 62.8 Water Connection Fee.

(a) Water Lateral Installation Charge. The initial water service lateral(s), not installed as part of a subdivision development or an assessable utility extension, will be installed from the main through the curb stop and box by the utility, for which the actual cost will be charged. (Amended Ordinance 133-100207)

(b) The Utility Committee shall establish and maintain a methodology to charge a connection fee for all properties taking into account the cost of materials, equipment and vehicles, the cost of employee time to perform the work and to set up the account for billing purposes.

Section 62.9 User Charge System.

(a) Policy. It is the policy of the Village Board to obtain sufficient revenues to pay the costs of the operation and maintenance of the water, wastewater collections and treatment facilities, including a replacement fund (i.e., a cash account to be used for future expenditures for obtaining or installing equipment, accessories or appurtenances that are necessary to maintain the capacity and performance of those facilities during the service life for which such facilities were designed and constructed), through a system of water and sewer service charges as defined in this section. The system shall ensure that each user of the sewerage facilities pays a proportionate share of the cost of facilities.

(b) Reassignment of users. The village will reassign water and sewer users into appropriate water and sewer service charge categories if wastewater sampling programs, changes in water demand and

other related information show a change of categories is necessary.

(c) Sewer User charge methodology. The Utility Committee shall establish and approve the methodology for sewer use rates. The following factors shall be used to calculate the debt service and operation, maintenance and replacement charges for the treatment of village and outside wastewaters:

(1) Debt service charges.

(2) Operation, maintenance and replacement charges.

(3) Surcharges. All users shall pay a surcharge on wastewater exceeding normal concentrations.

(e) Water User Charge System. The methodology for determining water rates is established by the Wisconsin Public Service Commission. The water user charges are established and included in the Wisconsin Public Service Commission (WPSC) rate file established for the village.

(f) Review and approval of rates. The Village Utility Committee shall provide oversight of the utilities consistent with the requirements of the Wisconsin Public Service Commission. The Utility Committee will prepare an annual budget and capital improvement plan on the same schedule as the Village Budget for approval by the Village Board. The Utility Committee will conduct a review of wastewater and water rates on alternate years for Village Board consideration.

(g) Records and expenditures. The water and sewer utility shall maintain all records of revenue and expenditures as required by the WPSC and statutes.

(d) Annual sewer system audit. The village shall conduct an annual audit, the purpose of which shall be to maintain the proportionality between the users and user classes of the sewer user charge system and to ensure that adequate revenues are available relative to increasing operation, maintenance and replacement costs for the sewer and wastewater treatment works and water system.

Section 62.10 Payment of Charges.

(a) Payment. The sewer and water service charges shall be billed quarterly and shall be payable to the Water and Sewer Utility not later than 20 days after the end of each period. Every reasonable care will be exercised in the proper delivery of sewer and water bills. Failure to receive a sewer and/or water bill, however, shall not relieve any person of the responsibility for payment of sewer and water rates within the prescribed period, nor exempt any person from any penalty imposed for delinquency in the payment of it. The property owner is held responsible for all sewer and water bills on the premises that he owns. All sewer and water bills and notices of any nature about the sewer or water system

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Section 62.11 Control of High Strength Waste and Septage Wastes.

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will be addressed to the owner and delivered to the premises referred to on such bill or notice. A late payment charge of three percent (3.0%), but not less than \$0.50, will be added to all bills not paid within the 20 days of issuance. (Amended Ordinance 133-100207)

(b) Charges a lien. All sewer charges shall be a lien upon the property serviced pursuant to Wis. Stats. § 66.0821(4)(d) and all water charges shall be a lien on the property serviced pursuant to Wis. Stats. § 66.0809 and all such charges shall be collected in the manner therein provided.

(c) Disposition of revenue.

(1) Sewer system.

a. The amounts received from the collection of charges authorized by this chapter shall be credited to a sanitary sewerage account that shall show all receipts and expenditures of the sewerage system. Charges collected for replacement expenses shall be credited to a segregated, non-lapsing replacement account. These funds are to be used exclusively for replacement. When appropriated by the village, the credits to the sanitary sewerage account shall be available for the payment of the requirements for operation, maintenance, repairs and depreciation of the sewerage system consistent with 40 CFR 35.929. Any surplus outside the preview of 40 CFR 35.929, in such account, shall be available for the payment of principal and interest of bonds issued and outstanding, or that may be issued, to provide funds for such sewerage system, or part of it, and all or a part of the expenses for additions and improvements and other necessary disbursements or indebtedness, and the village may resolve to pledge each surplus or any part of it for any such purpose. All present outstanding sewer system general obligation bonds on the effective date of the ordinance from which this chapter is derived, including refunding bonds, shall be paid from this fund as to both principal and interest.

b. Excess revenues collected for a user class will be applied to operation and maintenance costs attributable to that class for the next year.

Section 62.11 Control of High Strength Waste and Septage Wastes.

(a) High Strength Waste discharges. If any waters, wastes or septage are discharged, or proposed to be discharged, to the public sewers or at the wastewater treatment facility, which waters, wastes or septage contain substances or possess the char-

acteristics enumerated in subsection 62.6(o) that, in the judgment of the village, may have deleterious effects upon the wastewater treatment facility, processes, equipment, receiving waters or which otherwise create a hazard to life, health or form a public nuisance, the village may: (Amended Ordinance 133-100207)

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 62.9.

(b) Control manholes.

(1) Each person discharging high strength wastes into a public sewer shall construct and maintain one or more control manholes or access points to ease observation, measurement and sampling of his wastes, including domestic sewage.

(2) Control manholes or access facilities shall be located and built in a manner acceptable to the board. If measuring devices are to be permanently installed, they shall be of a type acceptable to the board.

(3) Control manholes, access facilities and related equipment shall be installed by the person discharging the high strength waste, at his expense, and shall be maintained by the person discharging the waste to be in safe condition, accessible and in proper operating condition always. Plans for installation of control manholes or access facilities and related equipment shall be approved by the board before the beginning of construction.

(c) Metering of waste. Devices for measuring the volume of waste discharged may be required by the village if this volume cannot otherwise be estimated. Where required by the village, metering devices for determining the volume of water shall be installed, owned and maintained by the person discharging the wastewater. Following approval and installation, such meters may not be removed without the consent of the village.

(d) Waste sampling.

(1) High strength wastes and septage discharged into the public sewers shall be subject to periodic inspection and a determination of the character and concentration of such wastes. The determinations shall be made by the industrial classification or the licensed disposer as often as may be deemed necessary by the village.

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(2) Samples shall be collected in such a manner as to represent the composition of the wastes. The sampling may be accomplished either manually or by mechanical equipment acceptable to the village.

(3) Testing facilities shall be the responsibility of the person discharging the high strength waste or septage and shall be subject to the approval of the village. Access to sampling locations shall always be granted to the village or its duly authorized representative. Every care shall be exercised in the collection of samples to ensure their preservation in a state comparable to that at the time the sample was taken.

(e) Pretreatment. When required, in the opinion of the village, to modify or eliminate wastes that are harmful to the structures, processes or operation of the wastewater conveyance and treatment facilities, the discharger shall provide at his expense such preliminary treatment or processing facilities as may be required to render such wastes acceptable for admission to the public sewers.

(f) Grease, oil and sand interceptors. The intent of the following grease interceptor requirements are to provide rules to eliminate or decrease the accumulation of grease in the pipes and pumps of the sanitary sewer collection system and to reduce the waste loading of undesirable elements at the treatment plant. This will serve to reduce or eliminate special costs to the sewer users, such as sewer cleaning due to grease plugs, odor control and additional chemical treatment. *[Amended Ordinance 214-081313]*

Grease, oil and sand interceptors shall be provided when, in the opinion of the Utility Manager, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in Section 62.6(o)(9); except that such interceptors shall not be required for private living quarters or dwelling units.

All interceptors shall meet the requirements of Wisconsin Administrative code SPS 382.34. The owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and the means of disposal, which are subject to review by the Utility Manager. Any removal and hauling of the collected materials not performed by the owner(s)' personnel must be performed by currently licensed waste disposal firms.

In addition to the requirements stated above, all restaurants, food processing and similar facilities must comply with the requirements of Subsections (1) and (2) below.

(1) Installation of Grease Interceptors:

(a) No later than December 1, 2014 grease interceptors must be provided at all restau-

rants, food processing and similar facilities for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in Section 62.6 (o)(9).

(b) All interceptors shall meet the requirements of Wisconsin Administrative code SPS 382.34, except that the Village shall reserve the right to require all new restaurants, food processing and similar facilities to have exterior grease interceptors.

(2) Inspection and Cleaning of Grease Interceptors:

(a) All interior grease interceptors must be inspected by the restaurant or food processing facility owner or authorized employee and cleaned at a minimum as follows:

1. Once per month, except during periods when restaurants, food processing and similar facilities are not open for business.

(b) All exterior grease interceptors must be inspected and cleaned by a licensed pumper or hauler by May 1 of each year.

(c) The Utility Manager shall have the authority to require more frequent cleanings.

(d) All interceptor inspections and cleaning must be recorded on a form provided by the Utility, and a signed copy must be provided to the Utility Clerk on a monthly basis. If a commercial hauler performs the cleaning service, his name and signature must be recorded on the form after each cleaning. Failure to provide the Utility with an executed and signed inspection/cleaning form will result in an inspection by the Utility. If the restaurant or food processing facility has not been open for business or in operation during the month to be reported, it should be so noted on the reporting form.

(e) If the Utility inspection reveals that an interceptor is in need of cleaning, a written notice will be issued to the owner or his representative, and the Utility will have the interceptor cleaned. The owner will be billed the cost for cleaning the interceptor, including a service charge by the Utility. Delinquent bills with interest will be placed on the tax roll for the property as a special charge.

(f) If the Utility inspection reveals that an interceptor is defective or undersized so as to not work properly the Utility Manager

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1 may order the repair or replacement of the
2 interceptor.
3 (g) Wastes from interceptor cleaning
4 shall not be disposed of in the sanitary
5 sewer system.
6 (h) Grease liquefiers or solvents of any
7 kind shall not be used to clean grease inter-
8 ceptors.
9 (i) The Utility Manager shall annually
10 report to the Utility Committee and Village
11 Board on the compliance of the various
12 businesses and facilities with these provi-
13 sions no later than May 15 each year.

14 (g) Analyses.

15 (1) All measurements, tests and analyses of the
16 characteristics of waters, wastes and septage to
17 which reference is made in this chapter shall be de-
18 termined according to "Standard Methods for the
19 Examination of Water and Wastewater," published
20 by the American Public Health Association and
21 "Guidelines Establishing Test Procedures for Anal-
22 ysis of Pollutants," (40 CFR 136). Sampling meth-
23 ods, locations, times, durations, and frequencies
24 are to be determined on an individual basis subject
25 to approval by the village.

26 (2) Determination of the character and concen-
27 tration of the high strength wastes shall be made
28 by the person discharging them or his agent, as
29 designated and required by the village. The village
30 may also make its own analyses of the wastes and
31 these determinations shall be used as a basis for
32 charges. If the person discharging the waste con-
33 tests the determination, the village may elect to
34 have an independent laboratory determine the
35 character and concentration of the waste. Such in-
36 dependent laboratory shall be acceptable to both
37 the village and the person discharging the waste.
38 All costs incurred by the independent laboratory in
39 determining shall be assumed by the discharger.

40 (h) Submission of information. Plans, specifications
41 and any other pertinent information relating to
42 proposed flow equalization, pretreatment or pro-
43 cessing facilities shall be submitted for review of
44 the village before the start of their construction if
45 the effluent from such facilities is to be discharged
46 into the public sewers.

47 (i) Extension of time. When it can be demonstrated
48 that circumstances exist that would create an un-
49 reasonable burden on the person proposing to dis-
50 charge a waste, to comply with the time schedule
51 imposed in this chapter, a request for extension of
52 the time may be presented for consideration by the
53 board.

54 Section 62.12-14 Reserved.

55 Section 62.15 Violations and Penalties.

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56 (a) Damages and accidental discharge.

57 (1) Damages. No unauthorized person shall
58 maliciously, willfully or negligently break, dam-
59 age, destroy, uncover, deface or tamper with any
60 structure of pertinence or equipment that is a part
61 of the sewer system or water system.

62 (2) Accidental discharge. Any person found re-
63 sponsible for accidentally allowing a deleterious
64 discharge into the sewer system that causes dam-
65 age to the treatment facility and/or receiving body
66 of water shall, besides a fine, pay the amount to
67 cover damages, both values to be established by
68 the village.

69 (b) Written notice of violation.

70 (1) Any person connected to the sewerage sys-
71 tem or water system found violating a provision of
72 this chapter shall be served by the village with a
73 written notice stating the nature of the violation
74 and providing a reasonable time for the satisfacto-
75 ry correction of it. If the person does not correct
76 the violation within the time set by the village,
77 then the person shall be liable for the penalties set
78 forth in subsection (e) of this section from the day
79 of first violation. The offender shall, within the pe-
80 riod stated in such notice, permanently cease all
81 violation.

82 (2) Any licensed disposer discharging to the
83 wastewater treatment facility or to a public sewer,
84 found violating a provision of this chapter or of
85 any conditions of the Village Board's approval for
86 septage disposal, may have his approval immedi-
87 ately revoked. This revocation shall be done in
88 writing and state the reason for revoking the sep-
89 tage disposal approval.

90 (3) Whenever any of the rules and regulations,
91 or others as the Village may hereafter adopt, are
92 violated, the use of service shall be shut off from
93 the building or place of violation (even if there are
94 two or more parties receiving service through the
95 same connection) and shall not be re-established
96 except by order of the Village Board and on pay-
97 ment of all arrears, the expenses and established
98 charges of shutting off and putting on and other
99 terms as the Village Board may decide. With the
100 violation, the Village Board, furthermore, may de-
101 clare any payment made for the service by the par-
102 ties committing the violation, to be forfeited, and
103 the payment shall then be forfeited.

104 (c) Liability to village for losses. Any person violating
105 any provision of this chapter shall become liable to
106 the village for any expense, loss or damage occa-
107 sioned because of a violation that the village may
108 suffer as a result of it.

109 (d) Damage recovery.

110 (1) The sewer utility shall have the right of re-
111 covery from all persons an expense incurred by
112 such utility for the repair or replacement of any

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sewer pipe damaged in any manner by any person by the performance of any work under their control or by any negligent acts.

(2) The water utility shall have the right of recovery from all persons any expense incurred by such utility for the repair or replacement of any water pipe, curbcock, gate valve, hydrant or valve box damaged in any manner by any person by the performance of any work under their control or by any negligent act. Owners or operators of motor vehicles will be held liable for the cost of repair of any hydrant damaged by them and the utility will not be responsible for the damage to the motor vehicle because of such accident.

(6) Penalties for Well Abandonment.

(1) Failure to abandon any well after revocation of a permit to follow the provisions of Wisconsin Administrative Code NR Chapter 812, in abandoning the well is hereby deemed a public nuisance, and the Village may cause the well to be properly abandoned and may assess the cost against the owner of the affected property and collect it as a special tax.

(7) Penalties for Cross Connections.

The Village may discontinue water service to any property wherein any connection in violation of this section exists, if the Village reasonably believe that a cross connection may contaminate the municipal water system. The Village may also take other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system. Water service shall be discontinued only after reasonable notice and opportunity for hearing under Chapter 68, Wisconsin Statutes, except as provided below. Water service shall not be restored until the matters in violation of this section have been eliminated and the private well and plumbing brought into compliance with the provisions of this section or adequate assurance is given the Village in its discretion that this section will be complied with in a timely manner. If it is determined by the Village that a failure of compliance with this section endangers the public health, safety or welfare and requires immediate action and a written finding to that effect is filed with the Village clerk-treasurer and delivered to the customer's premises, service may be immediately discontinued. The customer shall have an opportunity for hearing under Chapter 68, Wisconsin Statutes, within ten days of an emergency discontinuance.

(e) Penalties. Any person who shall violate any of the provisions of this chapter shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution (pursuant to Wis. Stats. § 66.0114). This, however, shall not bar the village from enforcing the connection duties set out in subsection 62.6(c) for mandatory hookup. Compliance with this chapter may also be

enforced by injunction order at the suit of the village to prevent or cause the discontinuance of a violation of any of the provisions of this chapter. This chapter may be enforced by the issuance of a citation to any violator of this chapter by the Village Administrator, by any state officer with police powers or any other duly appointed law enforcement officer of the Village.

(f) Continued violation. Any person, partnership, corporation or any officer, agent or employee thereof who shall continue any violation beyond the notice time limit provided shall, upon conviction, forfeit not less than \$500.00 per day of continued violation with the costs of prosecution. In default of payment of forfeiture and costs, such violator shall be imprisoned in the county jail for a period not to exceed five days. Each day in which any violations is continued beyond the notice time limit shall be deemed a separate offense.

Section 62.16 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

Approving authority means the Village Board or its duly authorized committee, agent or representative.

Backflow means:

(1) A flow condition, induced by a differential in pressure that causes the flow of water or other liquid into the distribution pipes of a potable water supply from any source or sources other than its intended source.

(2) The backing up of water through a conduit or channel in the direction opposite to normal flow.

Biochemical oxygen demand (BOD) means the quantity of oxygen used in the biochemical oxidation of organic matter in five days at 20 degrees Celsius, expressed as milligrams per liter. Quantitative determination of BOD shall be made according to procedures set forth in the most recent edition of "Standard Methods."

Building drain means that part of the lowest horizontal piping of a drainage system that receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer.

Building sewer means the extension from the public sewer or other place of disposal beginning outside the inner face of the building wall.

Compatible pollutants means biochemical oxygen demand, suspended solids, phosphorus, or pH, plus additional pollutants identified in the Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the publicly owned treatment works receiving the pollutants if such works were designed to treat such additional pollutants to a substantial degree.

Cross connection, control means a program for protecting the public water system from contamination due to the backflow of contaminants through the water service connection into the public water system.

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- 1 Debt service charges means all costs associated with the
2 repayment of debts incurred for the construction
3 and/or rehabilitation of the wastewater collection
4 system and treatment facility.
- 5 Floatable oil means oil, fat or grease in a physical state
6 such that it will separate by gravity from
7 wastewater by treatment in an approved pretreat-
8 ment facility. A wastewater or septage shall be
9 considered free of floatable fat if it is properly pre-
10 treated and the wastewater does not interfere with
11 the collection system.
- 12 Garbage means the residue from the preparation, cooking
13 and dispensing of food, and from the handling,
14 storage and sale of food products and produce.
- 15 Ground garbage means the residue from the preparation,
16 cooking and dispensing of food that has been
17 shredded to such degree that all particles will be no
18 greater than one half inch in any dimension and
19 will be carried freely in suspension under normal
20 flow conditions in public sewers.
- 21 Improperly constructed well means a well or pump instal-
22 lation that does not comply with the provisions of
23 Wis. Admin. Code NR Chapter 812 in effect at the
24 time of construction of the well, at the installation
25 of a contamination source, at the installation of the
26 pump or completion of work on the well or pump
27 installation.
- 28 Incompatible pollutants mean wastewater or septage with
29 pollutants that will adversely effect or disrupt the
30 wastewater processes or effluent quality or sludge
31 quality if discharged to a wastewater treatment fa-
32 cility.
- 33 High Strength waste means the wastewater from commer-
34 cial or industrial processes, trade or business, as
35 distinct from sanitary sewage, including cooling
36 water and the discharge from sewage pretreatment
37 facilities.
- 38 Laterals (service lateral) means:
39 (1) A ditch, pipe or other conduit entering or
40 leaving a water main from the side.
41 (2) A sewer that discharges into the main sewer
42 or other sewer branch.
- 43 Licensed disposer means a person holding a license under
44 Wis. Stats. § 281.49(1)(a).
- 45 Meter means an instrument installed to measure the vol-
46 ume and/or rate of flow of water delivered through
47 it.
- 48 Municipal wastewater means the spent water of a com-
49 munity. The wastewater may be a combination of
50 the liquid and water carried wastes from residenc-
51 es, commercial buildings, industrial plants and in-
52 stitutions, with any groundwater, surface water and
53 stormwater that may be present.
- 54 Natural outlet means any outlet, including storm sewers,
55 into a watercourse, pond, ditch, lake or other body
56 of surface water or groundwater.
- 57 Normal domestic strength wastewater means wastewater
58 with concentrations less than 300 mg/l BOD, 250
59 mg/l suspended solids and 12 mg/l phosphorus.
- 60 Normal user means a user whose contributions to the
61 wastewater treatment facility consist only of nor-
62 mal domestic strength waste originating from a
63 house, apartment, condominium or other living
64 quarters occupied by a person or persons making
65 up a distinct household, business or commercial
66 enterprise.
- 67 Operation and maintenance costs means all costs associat-
68 ed with the operation and maintenance of the
69 wastewater collection and treatment facilities.
70 These costs, including costs associated with extra-
71 neous (clear water) flows, shall be divided propor-
72 tionately among the various sewer users according
73 to their equivalent user factors.
- 74 Parts per million means a weight to weight ratio; the parts
75 per million value multiplied by the factor 8.34
76 shall be equivalent to pounds per million gallons of
77 water.
- 78 Person means any person, including any individual, firm,
79 company, municipal or private corporation, associ-
80 ation, society, institution, enterprise, government
81 agency or other entity.
- 82 pH means the logarithm of the reciprocal of the hydrogen
83 ion concentration. The concentration is the weight
84 of hydrogen ions, in grams per liter of solution.
85 Neutral water, for example, has a pH value of sev-
86 en and a hydrogen ion concentration of 10⁻⁷.
- 87 Potable water means water that does not contain objec-
88 tionable pollution, contamination, minerals or in-
89 fective agents and is considered satisfactory for
90 domestic consumption.
- 91 Public sewer means any sewer provided by or subject to
92 the jurisdiction of the village. It shall also include
93 sewers within or outside the corporate boundaries
94 that serve one or more persons and ultimately dis-
95 charge into the village's sanitary sewer system, alth-
96 ough those sewers may not have been constructed
97 with village funds.
- 98 Pump installation means the pump and related equipment
99 used for withdrawing water from a well including
100 the discharge piping, the underground connections,
101 pitless adapters, pressure tanks, pits, sampling fau-
102 cets and well seals or caps.
- 103 Replacement costs means a service charge levied on users
104 of the wastewater collection and treatment facili-
105 ties for payment of capital expenses and operation
106 and maintenance costs, including replacement of
107 such facilities.
- 108 Sanitary District: means the portion of the Town of Liber-
109 ty Grove covered by the Liberty Grove Sanitary
110 District.
- 111 Sanitary sewage means a combination of liquid and water
112 carried wastes discharged from toilets and/or sani-
113 tary plumbing facilities, with such groundwater,
114 surface water and stormwater as may be present.
- 115 Sanitary sewer means a sewer that carries liquid and water
116 carried wastes from residences, commercial build-
117 ings, industrial plants and institutions, with small
118 quantities of groundwater, stormwater and uninten-
119 tionally admitted surface water.
- 120 Septage means scum, liquid, sludge or other waste from a
121 septic tank, soil absorption field, holding tank,
122 vault toilet or privy. This does not include the
123 waste from a grease trap.

Village of Sister Bay Utility Code

Section 62.17-19 Reserved.

Section 62.17-19 Reserved.

- 1 Sewage means spent water of a community. The preferred
2 term is "municipal wastewater."
- 3 Sewer service areas means the areas presently served and
4 anticipated to be served by a sewage collection
5 system. State regulations (Wis. Admin. Code NR §
6 121.05) require that water quality management
7 plans delineate sewer service areas for urban areas
8 with a population of over 10,000. Approved facility
9 plans contain less detailed sewer service areas
10 for communities under a population of 10,000.
- 11 Sewer service charge means a service charge levied on
12 users of the wastewater collection and treatment
13 facilities for payment of use related capital expense
14 and operation and maintenance costs, including re-
15 placement of such facilities.
- 16 Sewerage system means as defined in Wis. Stats. §
17 281.01(14).
- 18 Shall means mandatory; may means permissible.
- 19 Slug load means any substance released at a discharge rate
20 and/or concentration that causes interference to the
21 wastewater treatment processes.
- 22 Standard methods means the examination and analytical
23 procedures set forth in the most recent edition of
24 "Standard Methods for the Examination of Water,
25 Sewage and Industrial Wastes," published jointly
26 by the American Public Health Association, the
27 American Water Works Association and the Water
28 Pollution Control Federation.
- 29 Storm drain (sometimes termed "storm sewer") means a
30 drain or sewer for conveying water, groundwater,
31 subsurface water or unpolluted water from any
32 source.
- 33 Stormwater runoff means that portion of the rainfall that
34 drains into sewers.
- 35 Suspended solids means solids that either float on the sur-
36 face of, or are in suspension in, water, wastewater,
37 septage or other liquids and that is removable by
38 laboratory filtering as prescribed in "Standard
39 Methods" and is called non-filterable residue.
- 40 Unpolluted water means water of a quality equal or better
41 than the effluent criteria in effect or water that
42 would not cause violation of receiving water quality
43 standards and would not be benefited by dis-
44 charge to the sanitary sewers and wastewater
45 treatment facilities provided.
- 46 Unsafe well means a well or pump installation that pro-
47 duces water contaminated bacteriologically or wa-
48 ter contaminated with substances in exceedance of
49 the standards of Wis. Admin. Code NR Chapter
50 109 or Chapter 140 or for which a health advisory
51 has been issued by the state department of natural
52 resources.
- 53 Unused well means a well or pump installation that is not
54 in use or does not have a functional pumping sys-
55 tem.
- 56 USEPA means the United States Environmental Protec-
57 tion Agency.
- 58 User/customer means any person, owner or occupant,
59 firm, partnership, corporation, municipality, coop-
60 erative organization, government agency, political
61 entity, etc., provided with water and/or sewer ser-
62 vice by any water and/or sewer public utility.
- 63 Utility means a public or private concern engaged in the
64 performance of some useful service, such as fur-
65 nishing water, gas, electricity or sewer facilities.
- 66 Utility Committee: means the committee established by
67 the Village including members from the Town of
68 Liberty Grove and Utility District that provides
69 oversight on the operation of the Village Utilities.
- 70 Utility District means: the portion of the Liberty Grove
71 Sanitary District designated to provide sanitary
72 sewer service and water service.
- 73 Wastewater facilities means the structures, equipment and
74 processes required to collect, carry away, store and
75 treat domestic and industrial wastes and septage
76 and dispose of the effluent.
- 77 Wastewater treatment works means an arrangement of de-
78 vices and structures for treating wastewater, sep-
79 tage, industrial wastes and sludge. Sometimes used
80 synonymously with waste treatment.
- 81 Water main means the water pipe, located beneath a street,
82 right-of-way or easement from which domestic
83 water supply is delivered to the service pipe (lat-
84 eral) leading to specific premises.
- 85 Water supply means:
86 (1) The sources of water for public or private
87 uses. When United States Environmental Protec-
88 tion Agency standards have been met, the supply is
89 termed "an approved water supply";
90 (2) The furnishing of good potable water under
91 satisfactory pressure for domestic, commercial, in-
92 dustrial and public service and an adequate quanti-
93 ty of water under reasonable pressure for fire-
94 fighting.
- 95 Water system means as provided in Wis. Stats. §
96 811.02(25). Collectively, all of the property in-
97 volved in the operation of the water utility, includ-
98 ing land, water lines and appurtenances, pumping
99 stations, treatment plants and general property.
- 100 Watercourse means a natural or artificial channel for the
101 passage of water, either continuously or intermit-
102 tently.
- 103 Well means an excavation or opening into the ground
104 made by digging, boring, drilling, driving or other
105 methods for obtaining groundwater for consump-
106 tion or other use.
- 107 Well abandonment means the filling and sealing of a well
108 according to the provisions of Wis. Admin. Code
109 Comm. NR Chapter. 812.
- 110 Wisconsin Pollutant Discharge Elimination System
111 (WPDES) Permit means a document issued by the
112 state department of natural resources that estab-
113 lishes effluent limitations and monitoring require-
114 ments for the municipal wastewater treatment fa-
115 cility.
- 116 WDNR means the Wisconsin Department of Natural Re-
117 sources.
- 118 WPSC means the Wisconsin Public Service Commission
119 that governs the rates, rules and regulations of the
120 village water utility.
- 121 **Section 62.17-19 Reserved.**
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Village of Sister Bay Utility Code

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Village of Sister Bay Utility Code

Section 62.20 Establishment of Impact Fees

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Section 62.20 Establishment of Impact Fees

Section 62.27 Appeals

Section 62.20 Establishment of Impact Fees

The following fees are impact fees established by the Village pursuant to Section 66.0617, Wis. Stats.:

(a) Impact fees pursuant to Section 62.28 of this Chapter.

Section 62.21 Definitions

In this Section:

(a) All words shall have the same meanings as set forth in Section 66.0617, subsection (1), Wis. Stats.

(b) The word "development" shall have the same meaning as the phrase "land development."

Section 62.22 Documentation

The following Village documents contain the needs assessments for the impact fees identified under Section 3 above, demonstrate Village compliance with the requirements of Section 66.0617(4), Wis. Stats., and shall be kept on file and available for public inspection in the Office of the Village Clerk:

Public Facilities Needs Assessment for Wastewater Impact dated March 2005

Public Facilities Needs Assessment for Water Tower and System Improvement Impact dated September 2005

Public Facilities Needs Assessment for the Downtown Sanitary Sewer and Watermain Improvements Dated June 2008 (Amended Ordinance No. 145-081208)

Section 62.23 Revenues

Revenues collected by the Village as impact fees shall be placed by the Village Treasurer in segregated interest-bearing accounts, and shall be accounted for separately from other funds of the Village. Impact fee revenues and interest earned on impact fee revenues may be expended by the Village only for the capital costs for which the impact fees were imposed. Separate accounts shall be kept of fees collected from different impact fee zones, where the particular Impact Fee Ordinance provides for differential fees according to zones, and revenues collected in particular zones shall be spent in those zones as appropriate.

Section 62.24 Time Limit for Expenditures

(a) The Village determines the following lengths of time appropriate for the planning, financing, acquisition and construction of the public facilities listed below:

1. Wastewater Treatment Plant Expansion

From January 2003 through December 31, 2005.

2. Water System Improvements

From January 1, 2006 through December 31, 2021 (Amended Ord-239-091515)

3. Downtown Sanitary Sewer and Watermain Improvements. (Amended Ordinance No. 145-081208)

From August 12, 2008 through July 31, 2015.

(b) Maximum Time to Use Impact Fees Collected From the Time of Fee Collection:

1. Type of Facility: Wastewater Treatment Plant expansion May 2025

2. Type of Facility: Water system improvements December 2026 (Amended Ord-239-091515)

3. Type of Facility: Downtown Sanitary Sewer and Watermain Improvements 2028 (Amended Ordinance No. 145-081208)

(c) Fees held by the Village under Section 62.23 above, and not used within the time period specified herein, shall be refunded to the persons who are the current owners of record, at the expiration of such time period, of the property with respect to which the impact fees were imposed.

Section 62.25 Payment of Impact Fees

All required impact fees, unless expressly excepted in a section of this Chapter, shall be paid before a building permit may be issued for the construction for which the impact fee is to be imposed. With respect to any development affected by any impact fee imposed under this Chapter which is under construction at the time the ordinance imposing such impact fee becomes effective or which has received a building permit at such time, all required impact fees shall be paid before a certificate of occupancy may be issued for such development. Impact fee payments shall be assumed to be the responsibility of the owner of record at the time the building permit is requested.

Section 62.26 Installment Payments

The Village Board, by resolution, may authorize the payment of impact fees, otherwise payable in full, in installment payments. If installment payments are authorized, interest shall be paid on the installment payments at the same rate then charged by the Village on installments of special assessments.

Section 62.27 Appeals

A developer may appeal to contest the amount, collection or use of the impact fee in the manner provided herein:

(a) It shall be a condition to the commencement of such an appeal that the impact fee from which the developer appeals shall be paid as and when the fee or any permitted installment thereof becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.

Village of Sister Bay Utility Code

Section 62.28 Impact Fee Amounts

Section 62.28 Impact Fee Amounts

(b) The only questions appealable under this section are the following, as authorized by Section 66.0617(10), Wis. Stats.:

(1) The amount of fee charged and paid by the developer;

(2) The method of collection of the impact fee;

(3) The use to which the particular fee paid by the developer is made by the Village.

(c) Appeals must be brought within 30 days of the earlier of:

(1) The date the impact fee is payable hereunder;

(2) In a situation where installment payments are allowed, the due date of the first required installment.

(d) The appellant shall pay a filing fee of \$300 at the time of filing of the appeal. The notice of appeal shall be filed with the Village Clerk.

(e) Following the filing of the notice of appeal, the Village Clerk shall compile a record of the ordinance imposing the impact fee that is the subject of the appeal and a record of the management and expenditure of the proceeds of the impact fee, and shall transmit these documents to the Village Board. In consultation with the Village departments, the Village Clerk shall also compile a report on each appeal in which the appellant is seeking a reduction or total refund in the impact fee paid. This report shall specify the fiscal impact on the Village of Sister Bay if the appeal overturns the impact fee. If the fiscal impact re-port indicates that the appeal, if successful, will cause a revenue shortfall that otherwise was not budgeted with respect to the public facility, and if this revenue shortfall cannot be reconciled by reduction in impacts caused by development on the appellant's property, the report shall estimate whether it will be necessary for the Village to adjust impact fees, or amend existing ordinances, to recover the proposed revenue shortfall.

(f) The Village Board shall hold a public hearing on the appeal, preceded by a Class 1 notice, providing fair opportunity for the appellant to be heard. The burden shall be on the appellant to establish illegality or impropriety of the fee from which the appeal has been taken. Following the close of the public hearing, the Village Board shall deliberate upon the matter, and shall conduct such studies and inquiries as it deems appropriate to decide the appeal.

(g) If the Village Board determines that the appeal has merit, it shall determine appropriate remedies. These may include reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the impact fee in full or in part, along with interest collected by the Village thereon, or granting the

appellant the opportunity to make the impact fee payment in installments, or such other remedies as it deems appropriate in a particular case.

60 Section 62.28 Impact Fee Amounts

(a) The Wastewater Treatment Plant expansion impact fee for every residential meter equivalent is \$653.00.

(b) The Water System improvements impact fee for every residential meter equivalent is \$1,478.00. (Amended Ord-239-091515)

(c) The Downtown Sanitary Sewer and Watermain Improvements impact fee for every residential meter equivalent is \$861.00 effective on September 1, 2010. (Amended Ordinance No. 179-121410)